

111TH CONGRESS
1ST SESSION

H. R. 2134

To establish the Western Hemisphere Drug Policy Commission.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2009

Mr. ENGEL (for himself, Mr. MACK, Mr. BERMAN, Mrs. BONO MACK, Mr. DELAHUNT, Mr. BURTON of Indiana, Mr. WEXLER, and Mr. PIERLUISI) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Western Hemisphere Drug Policy
Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Western Hemisphere
5 Drug Policy Commission Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) While the United States accounts for ap-
2 proximately 5 percent of world population, in 2007,
3 an estimated 17.2 percent of the world's users of il-
4 legal drugs were from the United States.

5 (2) 100 percent of the United States cocaine
6 supply and 90 percent of the United States heroin
7 supply originates in the Andean countries of Bolivia,
8 Colombia and Peru.

9 (3) In those source countries, the cultivation,
10 production and trafficking of cocaine and heroin
11 generate violence, instability and corruption.

12 (4) In the transit countries of Central America,
13 Mexico, Ecuador, Haiti and other Caribbean na-
14 tions, drug trafficking is central to the growing
15 strength of organized criminal gangs that threaten
16 local and national law enforcement, political institu-
17 tions and citizen security.

18 (5) Organized criminal cartels in Mexico are en-
19 gaged in a civil conflict with each other and a con-
20 flict with Mexican counterdrug security forces. These
21 cartels control the wholesale of virtually all cocaine
22 trafficked into major urban areas in the United
23 States.

24 (6) Drug-related violence is on the rise in Mex-
25 ico and along the United States-Mexico border.

1 5,661 people died in Mexico in 2008 alone as a re-
2 sult of drug-related violence. This is more than dou-
3 ble the 2007 total of 2,773.

4 (7) From 1980–2008, United States counter-
5 narcotics assistance from the State and Defense De-
6 partments to Latin America and the Caribbean to-
7 taled about \$11,300,000,000. The Drug Enforce-
8 ment Administration (DEA) has spent an additional
9 \$2,500,000,000 in the Western Hemisphere during
10 the same period. In those same years, the number
11 of lifetime drug users has steadily risen for mari-
12 juana, cocaine, and heroin. In 1982 there were an
13 estimated 53,000 marijuana users, which doubled to
14 over 100,000 in 2007. Similarly, there were fewer
15 than 22,000 cocaine users and fewer than 2,000 her-
16 oin users in 1982, while today there are approxi-
17 mately 36,000 and 3,800, respectively.

18 **SEC. 3. ESTABLISHMENT OF WESTERN HEMISPHERE DRUG**
19 **POLICY COMMISSION.**

20 There is established an independent commission to be
21 known as the “Western Hemisphere Drug Policy Commis-
22 sion” (in this Act referred to as the “Commission”).

23 **SEC. 4. PURPOSE.**

24 The Commission shall review and evaluate United
25 States illicit drug supply policy, with particular emphasis

1 on international drug policies and programs directed to-
2 ward the countries of the Western Hemisphere and de-
3 mand reduction policies and programs. The Commission
4 shall identify policy and program options to improve exist-
5 ing international and domestic counternarcotics policy.

6 **SEC. 5. DUTIES OF THE COMMISSION.**

7 (a) REVIEW OF ILLICIT DRUG SUPPLY REDUCTION
8 AND DEMAND REDUCTION POLICIES.—The Commission
9 shall conduct a comprehensive review of United States il-
10 licit drug supply reduction and demand reduction policies
11 and shall, at a minimum, address the following topics:

12 (1) An assessment of the effectiveness of
13 United States international illicit drug control poli-
14 cies in the Western Hemisphere, including interdic-
15 tion, crop eradication, and alternative development.

16 (2) The impact of Plan Colombia and the
17 Merida Initiative in curbing drug trafficking and
18 drug-related violence in the Andean region, Mexico,
19 Central America, Haiti, and the Dominican Repub-
20 lic.

21 (3) An assessment of how to better use avail-
22 able technology to target major drug cartels.

23 (4) The impact of the United States drug cer-
24 tification process in achieving positive results with

1 respect to reducing drug production, cultivation, and
2 trafficking.

3 (5) An assessment of the nature and extent of
4 the United States demand for illicit drugs.

5 (6) An assessment of United States drug pre-
6 vention and treatment programs, including drug
7 courts and programs aimed at preventing recidivism.

8 (7) An assessment of the extent to which the
9 consumption of illicit drugs in the United States is
10 driven by individuals addicted to or abusive of illicit
11 drugs, and the most effective experiences in the
12 United States and throughout the world in treating
13 those addicts.

14 (8) Recommendations on how best to improve
15 United States illicit drug supply and demand reduc-
16 tion policies.

17 (b) COORDINATION WITH GOVERNMENTS, INTER-
18 NATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL
19 ORGANIZATIONS (NGOs) IN THE WESTERN HEMI-
20 SPHERE.—The Commission shall consult with—

21 (1) government and nongovernmental leaders,
22 as well as leaders from international organizations,
23 from throughout Latin America and the Caribbean;
24 and

1 (2) the Inter-American Drug Abuse Control
2 Commission (CICAD) to examine what changes
3 would increase its effectiveness.

4 (c) REPORT.—

5 (1) IN GENERAL.—Not later than 12 months
6 after the first meeting of the Commission, the Com-
7 mission shall submit to Congress, the Secretary of
8 State, and the Director of the Office of National
9 Drug Control Policy (ONDCP) a report that con-
10 tains a detailed statement of the recommendations,
11 findings, and conclusions of the Commission, includ-
12 ing summaries of the input and recommendations of
13 the leaders and organizations with which is con-
14 sulted under subsection (b).

15 (2) PUBLIC AVAILABILITY.—The report re-
16 quired under this subsection shall be made available
17 to the public.

18 **SEC. 6. MEMBERSHIP.**

19 (a) NUMBER AND APPOINTMENT.—The Commission
20 shall be composed of ten members, to be appointed as fol-
21 lows:

22 (1) The majority leader and minority leader of
23 the Senate shall each appoint two members.

1 (2) The Speaker and the minority leader of the
2 House of Representatives shall each appoint two
3 members.

4 (3) The President shall appoint two members.

5 (b) APPOINTMENTS.—The Commission may not in-
6 clude Members of Congress or other currently elected Fed-
7 eral, State, or local government officials.

8 (c) PERIOD OF APPOINTMENT.—Each member shall
9 be appointed for the life of the Commission. Any vacancies
10 shall not affect the power and duties of the Commission,
11 but shall be filled in the same manner as the original ap-
12 pointment.

13 (d) DATE.—Members of the Commission shall be ap-
14 pointed not later than 30 days after the date of the enact-
15 ment of this Act.

16 (e) INITIAL MEETING AND SELECTION OF CHAIR-
17 PERSON.—Not later than 60 days after the date of the
18 enactment of this Act, the Commission shall hold an initial
19 meeting to develop and implement a schedule for comple-
20 tion of the review and report required under section 5.
21 At the initial meeting, the Commission shall select a
22 Chairperson from among its members.

23 (f) QUORUM.—Six members of the Commission shall
24 constitute a quorum.

1 (g) TRAVEL EXPENSES.—Members shall receive trav-
2 el expenses, including per diem in lieu of subsistence, in
3 accordance with sections 5702 and 5703 of title 5, United
4 States Code, while away from their homes or regular
5 places of business in performance of services for the Com-
6 mission.

7 **SEC. 7. POWERS.**

8 (a) MEETINGS.—The Commission shall meet at the
9 call of the Chairperson or a majority of its members.

10 (b) HEARINGS.—The Commission may hold such
11 hearings and undertake such other activities as the Com-
12 mission determines necessary to carry out its duties.

13 (c) OTHER RESOURCES.—The Commission shall have
14 reasonable access to materials, resources, statistical data,
15 and other such information the Commission determines
16 necessary to carry out its duties from the Library of Con-
17 gress, the Office of National Drug Control Policy, the De-
18 partment of State, the Department of Justice, the Drug
19 Enforcement Administration, the Department of Defense
20 (including the United States Southern Command), and
21 other agencies of the executive and legislative branches of
22 the Federal Government. The Chairperson of the Commis-
23 sion shall make requests for such access in writing when
24 necessary. The General Services Administration (GSA)
25 shall make office space available for day-to-day Commis-

1 sion activities and for scheduled Commission meetings.
2 Upon request, the Administrator of General Services shall
3 provide, on a reimbursable basis, such administrative sup-
4 port as the Commission requests to fulfill its duties.

5 (d) **AUTHORITY TO USE THE UNITED STATES**
6 **MAILS.**—The Commission may use the United States
7 mails in the same manner and under the same conditions
8 as other departments and agencies of the United States.

9 (e) **AUTHORITY TO CONTRACT.**—Subject to the Fed-
10 eral Property and Administrative Services Act of 1949,
11 the Commission is authorized to enter into contracts with
12 Federal and State agencies, private firms, institutions,
13 and individuals for the conduct of activities necessary to
14 the discharge of its duties and responsibilities. A contract,
15 lease, or other legal agreement entered into by the Com-
16 mission may not extend beyond the date of termination
17 of the Commission.

18 **SEC. 8. STAFF.**

19 (a) **EXECUTIVE DIRECTOR.**—The Commission shall
20 have a staff headed by an Executive Director. The Execu-
21 tive Director and such staff as is needed shall be paid at
22 a rate not more than the rate of pay for level IV of the
23 Executive Schedule.

24 (b) **STAFF APPOINTMENT.**—With the approval of the
25 Commission, the Executive Director may appoint such

1 personnel as the Executive Director determines to be ap-
2 propriate. The Commission may appoint and fix the com-
3 pensation of such other personnel as may be necessary to
4 enable the Commission to carry out its duties, without re-
5 gard to the provisions of title 5, United States Code, gov-
6 erning appointments in the competitive service, and with-
7 out regard to the provisions of chapter 51 and subchapter
8 III of chapter 53 of such title relating to classification and
9 General Schedule pay rates, except that no rate of pay
10 fixed under this subsection may exceed the equivalent of
11 that payable to a person occupying a position at level V
12 of the Executive Schedule under section 5316 of such title.

13 (c) EXPERTS AND CONSULTANTS.—With the ap-
14 proval of the Commission, the Executive Director may
15 procure temporary and intermittent services under section
16 3109(b) of title 5, United States Code.

17 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
18 the request of the Commission, the head of any Federal
19 agency may detail, without reimbursement, any of the per-
20 sonnel of such agency to the Commission to assist in car-
21 rying out the duties of the Commission. Any such detail
22 shall not interrupt or otherwise affect the civil service sta-
23 tus or privileges of the personnel.

1 **SEC. 9. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
2 **MITTEE ACT.**

3 The Federal Advisory Committee Act (5 U.S.C. App.)
4 shall not apply to the Commission.

5 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated \$2,000,000 to carry out this Act.

8 (b) AVAILABILITY.—Amounts appropriated pursuant
9 to subsection (a) shall remain available, without fiscal year
10 limitation, until expended.

11 **SEC. 11. SUNSET.**

12 The Western Hemisphere Drug Policy Commission
13 shall terminate 60 days after the submission to Congress
14 of its report under section 5(c).

○